



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 30 2012

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Grimes
President
Howard Finishing, LLC
15765 Sturgeon Street
Roseville, Michigan 48066

Re: Finding of Violation
Howard Finishing, LLC
Roseville, Michigan

Dear Mr. Grimes:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Howard Finishing, LLC (you). We find that you are violating Section 112 of the Clean Air Act (the Act), 42 U.S.C. § 7412, and the implementing regulations at 40 C.F.R. Part 63, Subpart WWWW, the National Emissions Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations, at your Roseville, Michigan, facility.

We have several enforcement options under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Ray Cullen. You may call him at (312) 886-0538 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak
Acting Director
Air and Radiation Division

Enclosure

cc: Tom Hess, MDEQ
Chris Ethridge, MDEQ
Krista Reed, MDEQ

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Howard Finishing, LLC
Roseville, Michigan

Proceedings Pursuant to Section 113(a)(3)
of the Clean Air Act, 42 U.S.C.
§ 7413(a)(3)

)
)
) **FINDING OF VIOLATION**
) **EPA-5-12-MI-07**
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)

FINDING OF VIOLATION

The U.S. Environmental Protection Agency finds that Howard Finishing, LLC (Howard Finishing) is violating Section 112 of the Clean Air Act (the Act), 42 U.S.C. § 7412, and the implementing regulations at 40 C.F.R. Part 63, Subpart WWWW, the National Emissions Standards for Hazardous Air Pollutants (HAPs): Area Source Standards for Plating and Polishing Operations (Subpart WWWW), at its Roseville, Michigan, facility, as follows:

Statutory and Regulatory Authority

- 1) Section 112(d) of the Act, 42 U.S.C. § 7412(d), authorizes the EPA to promulgate regulations for particular industrial sources that emit one or more of the HAPs listed in Section 112(b) of the Act, 42 U.S.C. § 7412(b), in significant quantities.
- 2) Pursuant to Section 112(d) of the Act, 42 U.S.C. § 7412(d), the EPA promulgated Subpart WWWW on July 1, 2008. *73 Fed. Reg.* 37741 (July 1, 2008).
- 3) Pursuant to 40 C.F.R. § 63.11504(a), Subpart WWWW applies to the owner or operator of a plating and polishing facility that: 1) is an area source of HAP emissions; 2) uses or has emissions of compounds of one or more plating and polishing metal HAPs; and 3) among other things, is engaged in non-chromium electroplating.
- 4) Subpart WWWW, at 40 C.F.R. § 63.11504(a)(2), defines an "area source of HAP emissions" as any stationary source or group of stationary sources within a contiguous area under common control that does not have the potential to emit any single HAP at a rate of 10 tons per year (tpy) or more and any combination of HAPs at a rate of 25 tpy or more.
- 5) Subpart WWWW, at 40 C.F.R. § 63.11511, defines "electroplating" as an electrolytic process that uses or emits any of the plating and polishing metal HAPs, in which metal ions in solution are reduced onto the surface of the work piece via an electrical current.

- 6) Subpart WWWWWW, at 40 C.F.R. §§ 63.11504(a)(3) and 63.11511, defines a “plating and polishing metal HAP” as any compound of cadmium, chromium, lead, manganese, and nickel, or any of these metals, other than lead, in the elemental form. Any material that does not contain cadmium, chromium, lead, or nickel in amounts greater than or equal to 0.1 percent by weight (as the metal), and does not contain manganese in amounts greater than or equal to 1.0 percent by weight (as the metal), as reported on the Material Safety Data Sheet for the material, is not considered to be a plating and polishing metal HAP.
- 7) Subpart WWWWWW, at 40 C.F.R. § 63.11505(a), applies to each new or existing affected source, which, in part, includes each tank that contains one or more of the plating and polishing metal HAPs and is used for non-chromium electroplating.
- 8) Subpart WWWWWW, at 40 C.F.R. § 63.11505(b), states that an affected source is “existing” if construction or reconstruction of the source occurred on or before March 14, 2008.
- 9) Subpart WWWWWW, at 40 C.F.R. § 63.11506(a), requires the owner or operator of an existing affected source to achieve compliance with the applicable provisions of the subpart no later than July 1, 2010.
- 10) Subpart WWWWWW, at 40 C.F.R. § 63.11507(a), in part, requires the owner or operator of an affected existing non-cyanide electroplating tank that contains one or more of the plating and polishing metal HAPs and operates at a pH of less than 12 to do one of the following:
 - 1) use a wetting agent/fume suppressant in the bath of the affected tank;
 - 2) capture and exhaust emissions from the affected tank to a composite mesh pad, a packed-bed scrubber, or a mesh pad mist eliminator; or
 - 3) for a batch electrolytic process tank, use a tank cover over all of the effective surface area of the tank for at least 95 percent of the electrolytic process operating time.
- 11) Subpart WWWWWW, at 40 C.F.R. § 63.11511, defines a “wetting agent/fume suppressant” as any chemical agent that reduces or suppresses fumes or mists from a plating and polishing tank by reducing the surface tension of the tank bath.
- 12) Subpart WWWWWW, at 40 C.F.R. § 63.11511, defines a “composite mesh pad,” a “packed-bed scrubber,” and a “mesh pad mist eliminator” as control devices that contain
 - 1) multiple pads in series that are woven with layers of material with varying fiber diameters, producing a coalescing effect on the droplets or particulate matter (PM) that impinge upon the pads;
 - 2) a single or double packed bed that contains packing media on which PM and droplets impinge and are removed from the gas stream; and
 - 3) layers of interlocked filaments densely packed between two supporting grids that remove liquid droplets and PM from the gas stream through inertial impaction and direct interception, respectively.
- 13) Subpart WWWWWW, at 40 C.F.R. § 63.11511, defines a “batch electrolytic process tank” as a tank used for an electrolytic process in which a part or group of parts, typically mounted on racks or placed in barrels, is placed in the tank and immersed in an electrolytic process solution as a single unit for a predetermined period of time, during which none of the parts

are removed from the tank and no other parts are added to the tank, and after which the part or parts are removed from the tank as a unit.

- 14) Subpart WWWWWW, at 40 C.F.R. § 63.11511, defines a “tank cover” for a batch process unit as a solid structure made of an impervious material that is designed to cover the entire open surface of a tank or process unit that is used for plating or other metal coating processes.
- 15) Subpart WWWWWW, at 40 C.F.R. § 63.11508(b), requires the owner or operator of an affected source to be in compliance with the applicable management practices and equipment standards in the subpart at all times.

Findings of Fact

- 16) Howard Finishing owns and operates a plating facility at 15765 Sturgeon Street, Roseville, Michigan, where it conducts nickel “electroplating” of parts primarily for the automotive industry, as that term is defined at 40 C.F.R. § 63.11511.
- 17) The facility is an “area source of HAP emissions,” as that term is defined at 40 C.F.R. § 63.11504(a)(2).
- 18) Nickel is a “plating and polishing metal HAP,” as that term is defined at 40 C.F.R. §§ 63.11504(a)(3) and 63.11511.
- 19) The facility consists of five “existing” (as that term is defined at 40 C.F.R. § 63.11505(b)) electrolytic nickel tanks subject to Subpart WWWWWW, each of which operates at a pH of less than 12.
- 20) The EPA inspected the facility on July 11, 2012, for compliance with Subpart WWWWWW.
- 21) During the inspection, the EPA observed that three of Howard Finishing’s five electrolytic nickel tanks were open to the atmosphere and that Howard Finishing does not capture and exhaust emissions from these three affected tanks to a “composite mesh pad,” a “packed-bed scrubber,” or a “mesh pad mist eliminator,” or use a “wetting agent/fume suppressant” in the bath of these affected tanks, as those terms are defined at 40 C.F.R. § 63.11511.

Violations

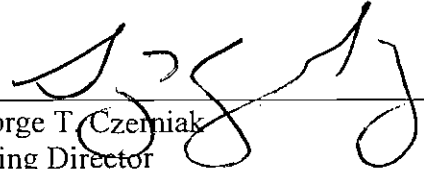
- 22) Howard Finishing failed to control emissions from three of its electrolytic nickel tanks in accordance with Subpart WWWWWW, in violation of 40 C.F.R. §§ 63.11506(a), 63.11507(a), and 63.11508(b).

Environmental Impact of Violations

- 23) Violation of the National Emissions Standards for HAPs can result in excess HAP emissions that may cause serious health effects, such as birth defects and cancer, and harmful environmental and ecological effects.

Date

8/30/12


George T. Czerniak
Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-12-MI-07, by Certified Mail, Return Receipt Requested, to:

James Grimes
President
Howard Finishing, LLC
15765 Sturgeon Street
Roseville, Michigan 48066

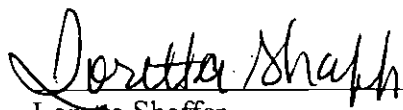
I also certify that I sent copies of the Finding of Violation by first class mail to:

Tom Hess
Chief
Michigan Department of Environmental Quality
Air Quality Division
P.O. Box 30260
Lansing, Michigan 48909

Chris Ethridge
Supervisor
Michigan Department of Environmental Quality
Southeast Michigan District Office
27700 Donald Court
Warren, Michigan 48092-2793

Krista Reed
Michigan Department of Environmental Quality
Southeast Michigan District Office
27700 Donald Court
Warren, Michigan 48092-2793

on the 31st. day of August, 2012.


Loretta Shaffer,
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7467 6074